

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-11420-PBS

MARK BROADLEY, )  
Plaintiff, )  
v. )  
MASHPEE NECK MARINA, INC., )  
Defendant. )

## **JOINT STATEMENT**

The parties in the above captioned action submit the following Joint Statement in accordance with the Notice of Scheduling Conference and pursuant to the provisions of Fed. R. Civ. 16(b) and Local Rule 16.1.

## I. Obligation of Counsel to Confer

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1 (B). Discovery is proceeding in accordance with Local Rule 26 and a proposed joint discovery plan is contained below.

## II. Settlement Proposals

The plaintiff has presented a written settlement proposal to the defendant in compliance with Local Rule 16.1. Defense counsel shall confer with an authorized representative of their client on the subject of settlement and shall be prepared to respond to the proposal at the scheduling conference.

III. Proposed Discovery Plan

The above-entitled action was filed with this Court on or about October 28, 2003.

Pursuant to Rule 16(b) of the Fed. R. Civ. P. and Local Rule 16.1 (F) the parties propose the following:

1. All amendments and/or supplements to the pleadings to be filed by June 1, 2005 reserving the right to amend and/or supplement if new evidence is introduced as result of discovery.
2. The plaintiff shall file a Motion for Summary Judgment as to the effect of the exculpatory clause in the dockage/mooring contract by June 1, 2005. The defendant shall file its response to this Motion by June 15, 2005.
3. All written discovery shall be completed by August 15, 2005.
4. All factual depositions are to be completed by September 15, 2005.
5. The plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(b) by October 14, 2005. The defendant shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) by November 15, 2005.
6. All expert depositions to be completed by December 15, 2005.
7. All dispositive motions, and/or motions for summary judgment, are to be filed by January 15, 2006.
8. A final pretrial conference will be held on or about February 15, 2006 unless dispositive motions remain pending at that time.

IV. Trial by Magistrate Judge

The parties reserve decision as to trial by magistrate judge until after discovery.

V. Certifications

The parties certify that counsel and their clients have conferred with a view to establish a budget for litigation and alternative dispute resolution. The certifications will be filed under separate cover.

Respectfully submitted,  
for the Plaintiff,

Respectfully submitted,  
for the Defendant,

/s/ Thomas M. Bond  
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Dated: May 2, 2005